

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JG-4029

(Inmate Number)William Rock(Name of Plaintiff)P.O. Box 1000(Address of Plaintiff)Houtzdale Pa.16698-1000**vs.**Donna Asure, Dr. Deborah Wilson,Grace Ramos-Huertes, et al.,(Names of Defendants)

Civil No:1:11-CV-01839

(Case Number)

**AMENDED
AMENDED
COMPLAINT**

**FILED
SCRANTON**

AUG 08 2012

PER M. S. J.
DEPUTY CLERK

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS**I. Previous Lawsuits**

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A**II. Exhaustion of Administrative Remedies**

- A. Is there a grievance procedure available at your institution?

☒ Yes ☐ No

- B. Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes ☐ No

If your answer is no, explain why not _____

- C. Is the grievance process completed? ☒ Yes ☐ No

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

A. Defendant Donna Asure is employed
as Warden at Monroe County Correctional Facility

B. Additional defendants Dr. Deborah Wilson, Grace Ramos-Huertes, Paul James
Dee Reiss (medical staff) M.C.C.F., Gary McFarland Dep. Warden, Richard
Cuth, Grievance Coord, M.C.C.F., Suzanne McCool, Theresa Merli, Todd Martin
E. David Christine, Mailo Mehrige, M.C.C.F. Prison Board, Monroe Co., Prime
Care Medical, Prime Care Medical Inc., Prime Care and associates.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. On September 29th, 2009 the Plaintiff was sentenced to 5 1/2 to
12 years. On October 11th, 2009 while in the custody of (M.C.C.F.)
the Plaintiff fell and ruptured his left thumb ulnar collateral
ligament. On Oct. 11th, 09 Plaintiff was taken to Pocono Medical
2. Center (E.R.) where he was told by DR. Liegner that he must see a
a specialist within 5 days for treatment of his injury. (this order
was on the release papers from the E.R. given to the correctional
officers who transported the Plaintiff). Upon return from the E.R.
3. to M.C.C.F. Plaintiff spoke to Grace Ramos-Huertes (who was acting
under the color of state law) and explained that he was in severe
pain and that the E.R. doctor ordered him to see a specialist within
5 days. On or about October 12th, 2009 Plaintiff spoke with Deborah

Wilson (who was acting under the color of state law) and explained that the doctor at the E.R. ordered him to see a specialist within 5 days, that he was in severe pain and that the 1 tylenol #3 approx. every eight hours was not helping (see Dec'1, Wm. Rock Ex.C). The Plaintiff discovered that on Oct.11,2009 Wilson wrote that it was the "provider"(who was acting under the color of state law) that was responsible for the Plaintiff not receiving his prescription as ordered (see Dec'1, Wm. Rock Ex.G) by his treating Physician (see Dec'1, Wm. Rock Ex.B). On Oct.16,2009 the ordered prescription from E.R. Doctor ran out (that prescription was to last until seen by a specialist) leaving the Plaintiff to suffer in severe pain. On Oct. 23,2009 Plaintiff filed a sick call slip concerning not being seen by a specialist (see Dec'1, Wm. Rock Ex.D). On Oct.23,2009 (12 days after injury) Dee Reiss (who was acting under the color of state law) made an appointment for Plaintiff to see a specialist (see Dec'1, Wm. Rock Ex.C) when it was directed on Plaintiff's discharge papers to make an appointment within 24 hours of injury (see Dec'1 Wm..Rock Ex.B), then on Oct.29,2009, Reiss canceled Plaintiff's appointment for Nov.2,2009 (6 days prior) due to a foreseen emergency at M.C.C.F. (see Dec'1, Wm. Rock Ex.C). On Nov.2,2009 Plaintiff filed a grievance (see Dec'1, Wm. Rock Ex.E) notifying DonnaASURE (who was acting under the color of state law) that he was not taken to a specialist within 5 days of his injury as ordered by the E.R. Doctor. On Nov.6,2009 the defendants allowed Plaintiff to be transferred transferred to another facility while knowing that the Plaintiff was in dire need of ordered emergency medical treatment intentionally delaying Plaintiff access to said treatment.

On Nov.6,2009 Paul James Lpn.(who was acting under the color of state law) filled out Plaintiffs transfer health information sheet (which notifies recieving institution of all medical problems that the inmate has) and did not send information pertainig to emergency medical treatment that was ordered,current acute health problem,why inmate was in a splint,etc..(see Dec'l Wm. Rock Ex.H).By James allowing Plaintiff to be transfered while in need of ordered emergency medical treatment and not sending the proper medical information(see Dec'l,Wm. Rock Ex.H,I) He intentionally caused a major delay in Plaintiffs ordered treatment for a serious medical condition. On June 15,2010 Plaintiff seen Dr.Hughes (a specialist) and was told that since he was not seen and treated when the injury first occured that the main tendon from the elbow to wrist has to be removed to repair his thumb.And on Aug.9,2010 the operation was completed.On June 13,2012 the Plaintiff recieved a photo copy of supposed response to grievance (approx. 2 and half years after it was filed) which was not properly filled out but shows that Richard Cuth (grievance coordinator) and Gary McFarland (deputy warden of treatment) (both of which were acting under the color of state law)(see Dec'l,Wm. Rock Ex.M-12) were aware that Plaintiff had already been denied emergency medical treatment for over 20 daysand allowed him to be transfered in his condition intentionally delaying him access to emergency treatment even longer.M.C.C.F.Prison Board and Prime Care Medical,Prime Care Medical inc.,Prime Care and Associates (who both acting under the color of state law) failed to properly train/

train their staff to deal with the Plaintiffs situation properly leaving the Plaintiff in severe Pain ,unable to use left hand and loss of body part.

Defendants Asure, Wilson, Ramos-Huertes, James, Reiss, McFarland Cuth, McCool, Merli, Martin, Christine, Mehrige, Prime Care Medical, Prime Care Medical inc. and Prime care and associates's deliberate indifference to Plaintiffs serious medical needs violated his rights and constituted cruel and unusual punishment under the Eighth Amendment of the United States Constitution.

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Allow Plaintiff to seek compensatory and punitive damages
from all the Defendants (in their individual capacity) for
violation of the 8th amendment (cruel and unusual punishment)
and loss of body part/full use of hand.
2. Prevent Defendants from allowing what happened to Plaintiff
to happen to any other person unable to help themselves while
in their custody.
3. Appoint an Attorney to represent Plaintiff since he is strickly
limited to the proper resources to properly repesent himself
and can not afford to hire one. The Plaintiff is not an Attorney
and is forced to represent himself against legal teams with
years of experiance.

Signed this 4th day of August, 12.

[Signature]
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

Aug 4, 2012
(Date)

[Signature]
(Signature of Plaintiff)